

EXETER HARBOUR BOARD

Thursday 23 June 2022

Present:-

Councillor Ruth Williams (Chair)
Councillors Ellis-Jones, Pearce, Read, Snow
Messrs Simon Adams, Richard Eggleton, Anthony Garratt, Andrew May and Steve Sitch

Apologies:-

Councillor Leadbetter and Mr Owen Michaelson

Also Present:-

Engineering, Waterways and Parking Service Manager (SC) Harbour Master (GF) and Democratic Services Officer (SLS)

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MINUTES

The minutes of the meeting held on 14 March 2022 be taken as read and signed by the Chair as a correct record.

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DECLARATIONS OF INTEREST

No declarations of discloseable pecuniary interest were made.

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PUBLIC QUESTION TIME

It was noted that there were no public questions received.

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INTRODUCTION TO THE BOARD - MEMBERS UPDATE

The Chair invited Members of the Board to introduce themselves as there had been a change in the membership following the new civic year. She also confirmed that Simon Adams and Anthony Garratt had been reappointed as Board Members for a further term of three years. The Engineering, Waterways and Parking Service Manager provided some background on the External Board Member appointments which used a skills matrix to ensure the Board as a whole could offer the necessary range of specialist expertise, knowledge and qualifications. The Harbour Board, which had been in place for a year, sits in an advisory capacity to the Council's Executive in terms of all the expertise and experience that Board Members bring advising the Executive who will remain responsible for matters of policy and funding. The Board had assembled a number of aims and ambitions at a Visioning Event held in January 2022, with a view to running a safe and competent port, being mindful of the environmental aspects and the ambition to make the waterways service financially self-sustainable over time.

The Chair offered a vote of thanks to the previous members of the Board, Councillors Allcock, Buswell, and Sparkes and particularly Councillor Harvey who had chaired the first year of the Harbour Board. She also wished to thank the Harbour Master for providing a very extensive induction for all Councillors, as well as the Harbour Board members to show the challenges of the Estuary and canal.

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EXETER PORT USERS GROUP UPDATE

The Chair of the Exeter Port Users Group, Rex Frost was unable to attend the meeting, but submitted an update on the Groups' recent activities which was

presented by the Engineering, Waterways and Parking Service Manager who reported that:-

- in April, he had invited the Harbour Master and Ben Bradshaw, MP for an afternoon on the river. Mr Bradshaw was surprised by the geographical size of the Harbour area and the significant responsibility which was entailed and very interested in all the activities we came across and the explanations of how they related to the Harbour Master's responsibilities. He indicated that he would assist with any issues which may have to be referred to Government, but his term of office may have ended if a Harbour Revision Order is ever submitted.
- the entrance channel marks were all moved to new positions in early May, much to the relief of all local Mariners. The effects of the weather in the winter were to significantly shift the channel eastward and the buoyed area was extremely shallow.
- other parts of the river have also suffered from silting and in several areas realignment of buoyage is required, but negotiations may be required with other stakeholders to accomplish a desirable result.
- the water patrol has been active on many days when the river is busy and is having an appropriate influence on the behaviour of fast craft.

Members noted the report.

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HARBOUR MASTER'S REPORT

The Harbour Master provided an update on the circulated report. He referred to an invitation extended to Board Members for a tour of the river and the canal to look at the activities and the maintenance challenges faced by the team. He raised a number of matters of note which included:-

- the Friends of the Exeter Ship Canal have achieved Historic Harbour status with the support of the Exeter Canal and Quay Trust (ECQT). A number of forthcoming events have been planned on the Quay, including a Sea Shanty Festival with visiting vintage vessels on the 11th September 2022. The ECQT have been supportive of the team's activities across the Council and have funded the repair of the pontoon in the canal.
- a survey of the marked channel using a multibeam side scanner showed that the channel had shifted significantly to the east of the chartered positions. A total of eight buoys have now been moved and charts have been updated, including Notices to Mariners to ensure that the marked channel was clear. There was an ongoing maintenance programme of the navigation aids which included lifting, inspecting, repaint and checking and replacing the lights on each of those buoys.
- their working vessel, the Can Doo cannot be used to reach the buoys south of Buoy 10, and the team would like to charter a moorings vessel, with the necessary Maritime and Coastguard Agency (MCA) vessel coding. They would be able to maintain the navigational aids as well as carry out commercial work servicing customers moorings as well.
- they worked closely with the Exe Estuary Management Partnership, Topsham Ferry and local clubs to make sure everyone was kept informed

of any news or events.

- the aspirations for the Harbour team included achieving a HRO, combining and replacement of their two work vessels, dredging parts of the ship canal and improving the facilities at the buoy store.

The Harbour Master responded to Board Members' questions:-

- he had met with a contractor to discuss proposed works for the removal of 5,000 cubic metres of material from the Canal in order to maintain the access to the Canal Basin and Exeter Quay for deep draught vessels. An excavator on a floating pontoon would be required to lift silt from the canal and move to the canal bank to be taken away.
- environmental and sustainable considerations were taken into account with such work and a similar exercise involved the spoil being laid on an adjacent allotment site as it was free from contaminates. They would explore the possibility of selling the material or seeking a site on the overflow for the river near the allotments.
- referencing a comment about the reason for selling the team's moorings barge to charter a purpose built craft that was both fully Maritime and Coastguard Agency coded and Port Marine Safety Code compliant. This could be chartered on a monthly basis thus negating the need to hire in a contractor to maintain the buoys at sea. The craft would allow the team to carry out all of their responsibilities to service the 52 navigational aids both in the river and out at sea as well as carrying out commercial work servicing moorings.
- the environmental benefit of combining the open dory type work boat and small patrol boat as well as investigating an electric motor in place of the petrol engines. They were working with Plymouth University on decarbonisation programmes and the partners of the Exe Estuary Management Partnership on ways to improve their green credentials for the river and canal.

The Chair advised that Board Member, Owen Michaelson was unable to attend the meeting but had requested that a number of comments in relation to the support vessels be shared with the Board, suggesting that any changes should include careful consideration of future use. The Harbour Master confirmed that an MCA compliant coded boat was needed to maintain the buoys in the various locations. He set out the costs of hiring compared with contracting a vessel to carry out their work.

The report was noted.

HARBOUR REVISION ORDER DISCUSSION

The Engineering, Waterways and Parking Service Manager referred to the Council's commitment to achieving Port Marine Safety Code compliance with the process having commenced through the formation of the Harbour Board. A successful application for a Harbour Revision Order (HRO) would help to ensure the safe running of the port, having sufficient powers to be able to levy harbour dues on vessels and carry out appropriate enforcement on the river and canal. In recent years, the Council has demonstrated an ambition to run a safe port, has invested in patrol boats, and ensured competent and qualified staff carried out the

appropriate maintenance of the buoys and navigation aids.

He invited Members of the Harbour Board to offer their views on an application for a HRO being made, as well as any other course of action they might suggest. The views of the Board would be included in a report to the Executive and Full Council with any cost implication for consideration. It was acknowledged that making an application would be both a costly and lengthy exercise and include legal advice being sought, garnering evidence for the application from users and stakeholders as well as appropriate advertising through public notices. An estimate of £75,000 for the cost of submitting an application had been suggested, but this did not take into account any additional work required for any challenge that may be subsequently made. The Port Users Group as one of the Board's main stakeholders had already commented along with informal feedback from the Estuary users that there was a greater appreciation that any future charges levied would be used to make the port self-sufficient financially with any improvements for the good of the users.

Where appropriate, the Engineering, Waterways and Parking Service Manager gave the following responses to Board Members' comments and enquiries (the response was in italics).

- we are one of the only ports that does not have Marine Port Compliance and the Board Member had some concern over the lack of progress in pursuing a HRO to address this. The canal was virtually the only inland waterway in the country that was not part of the British Canal Licensing Scheme and, whilst it was not about seeking additional revenue, it should be about investing in extra facilities that could be accessible to all. *There had been a great deal of scene setting and discussions on how a HRO would be progressed, what it might cost and how we might fund it, and how such a request would fit in with the Council's Committee process over the forthcoming autumn period.*
- whilst we should commend the Council and officers for the work they have done so far, applying for a HRO required careful consideration. Some individuals may perceive a HRO proposal as the opportunity to simply put regulations in place or raise finances, but this was clearly not the case. *One of the reasons that the previous HRO in 2003 had met so much objection was centred on the lack of income opportunities and the financial viability of a third party taking on a Trust Port model at the time. Any future HRO bid would be less contentious as it would not involve a transfer of responsibility but simply enable the Council the appropriate powers to manage the port in a safer manner.*
- the Board Member welcomed an application for a HRO and enquired if it would be possible to take a report to the Executive in September. *It was anticipated that a report seeking the views of the Executive and Council on commencing work on an application for a HRO would be made in the autumn.*
- the objectives set at the Visioning event should have net zero and biodiversity considerations embedded into the process as well as ensuring every appropriate opportunity to derive some revenue from the canal and river.
- there should be an appreciation that Exeter's application for a HRO was starting from a low base but the experienced team should help to push this

forward.

- in supporting an application for a HRO this could resolve the lack of any powers of enforcement, as well as ensuring other additional financial and environmental benefits for the Port.
- the Board Member welcomed making an application and a more holistic approach, including that the neighbouring partner authorities of East Devon and Teignbridge Councils would help the process, with a future conversation on the introduction of necessary byelaws.

The Harbour Master referred to the efforts made to ensure a safe environment and educating and reminding people of the dangers posed by speeding. They do need some form of deterrent and in response to a Board Member's question, any new powers would provide the City Council with greater enforcement capabilities, particularly in respect of jet-skis and similar small craft not designated as 'a vessel' under previous legislation. Kite surfing was also becoming increasingly popular and they moved across the channel at low water which was particularly hazardous. He advised that existing patrols were making some difference.

The Chair referred to comments received from Board Member, Owen Michaelson who was unable to attend the meeting, but who had referred to the adoption of powers to adhere to the Port Marine Safety Code to keep the river and canal as a safe place for commercial and recreational use, and to a level appropriate and relevant to the risks within the Port of Exeter and being clear about the reasons for applying for HRO status.

The Chair presented a recommendation for a report to be made to the Executive. Members reiterated a number of comments in support of pursuing a HRO which included:-

- to move forward to achieving Port Marine Safety Code Compliance
- to regulate the waterways and enable appropriate enforcement powers
- to move towards a financially sustainable port by providing the opportunity to levy Harbour dues
- to include net zero and sustainability considerations

RESOLVED that the Exeter Harbour Board endorsed an application for a Harbour Revision Order be made with a report to the Executive with the Board's request, setting out the process and associated costs for their consideration.

(The meeting commenced at 5.30 pm and closed at 6.55 pm)

Chair